The
National Association
for
Constitutional Government

A STATEMENT

FOR

ITS AIMS AND PURPOSES

BY

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OFFICE

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Washington, D. C.

AIMS AND PURPOSES OF THE NATIONAL ASSOCIATION FOR CONSTITUTIONAL GOVERNMENT

In order to inform the public more fully as to the aims and purposes of the National Association for Constitutional Government, it should be stated first of all that the Association is a purely patriotic and in no sense a partisan society. It has been formed in the conviction that the opposition recently manifested in so many ways to the institutions of representative government established by the Constitution of the United States is the result in part of ignorance of the significance and value of the constitutional guarantees, and in the equally firm conviction that unlimited experiment in social legislation is a menace not only to these institutions and these guarantees, but to the permanent existence of real self-government. The primary aim of the Association is to preserve these institutions and these guarantees, first, by explaining their meaning; and, second, by demanding a sufficiently deliberate consideration of proposals of change in the National Constitution to warrant a reasoned acceptance of them before their adoption.

While avowedly conservative in the sense of carefully guarding all that is really valuable in our system of government, the Association is not in the slightest degree adverse to progressive action when it is based on a careful study of facts and consequences, and does not conflict with the guarantee of individual rights.

THE CONSTITUTIONAL GUARANTEES

The primary idea of constitutional government in the American sense, is not, as is too generally supposed, the mere division, distribution, and definition of public powers. It is rather the necessary restriction of the powers of government, and especially the limitation of the legislative power. It maintains that a well-organized society must involve the recognition of certain personal rights which government should not deny or destroy. It demands, therefore, the effective guarantee of those rights by so limiting the absolute power of the lawmaker as to prevent his infringement of them.

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Mrs. Gaillard Hunt
March 31,1933

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Accepting the existence of such rights as the true foundation of the State, it is further maintained that the particular rights enumerated and guaranteed by the National Constitution should not be lightly abandoned.

IGNORANCE OF THE CONSTITUTION

The founders of the Association have been deeply impressed by the appalling lack of knowledge on the part of the great majority of voters of the real nature and meaning of the National Constitution, particularly in the case of persons who have not grown up amidst the American traditions and of those who in great numbers are coming for the first time to the exercise of the elective franchise, or are solicited to participate in the initiative and the referendum, which are the easy instruments of impromptu and radical legislation. It is a part of the purpose of the Association not only to warn the people of the dangers to liberty that lurk in impromptu methods of legislation, but to diminish as far as possible the deplorable ignorance of the National Constitution by bringing to the attention of the people the real meaning and value of its provisions. To appreciate the importance of this attempt, it is only necessary for each individual to ask himself how much he personally remembers of those provisions and of the questions affecting his own rights and liberties arising under them, and then to consider how much less knowledge of these subjects is likely to be possessed by those who have had fewer or inferior advantages. It may be well also for each reader to ask himself where he would turn to find at a moment's notice a copy of that document for consultation, and especially where an ordinary man could find it readily accessible in a cheap form. This was recently brought home to the present writer by the remark of a distinguished editor that he had never seen, and would not know where to find, a copy of the Constitution in a separate pamphlet form available for general circulation. He thought it not improbable that a great majority even of native-born voters had never read, or even seen, a copy of the basic law of the land.

THE FIELD OPEN FOR THE DEMAGOGUE

Consider for a moment how great is the opportunity of the demagogue seeking to lead a mere class or sectional movement under these conditions. He is able to embark thousands upon an uncharted sea, and to awaken and appropriate to his private purposes, demands and expectations of a most dangerous character. As an example of this

opportunity almost incredible, an eminent journalist informed the present writer that he had recently heard a street orator declaim against the Constitution of the United States and the system of government it embodies, on the ground that that document prohibited the election to the presidency of any man belonging to a certain influential organization; and in the large assembly that was listening to his harangue there was no voice lifted in contradiction! It is not, therefore, to be wondered at that we so frequently hear the Constitution denounced as a "plutocratic document" which should promptly be amended out of existence, and that hundreds of thousands of American voters actually believe this. It has been publicly proclaimed upon many occasions, and the idea has been embodied in solemn resolutions by more than one large and powerful body of our fellow citizens, that any judge deciding to be unconstitutional, any law voted by the majority of a legislative body, should be required to vacate his office. When we consider what laws have sometimes received legislative sanction, and what laws might receive it were it not for constitutional restraints, we can form a picture of what would be the condition of this country and what the desirability of living in it, if this idea were to dominate.

THE DANGER TO PERSONAL LIBERTY

When we take into account the anarchic temper of a portion of our population and the ease with which the public is sometimes swayed by temporary emotion, we may, perhaps, realize in some degree how few of our individual rights would be respected if there were no constitutional guarantees. It is not intended here to deny that there is room for improvement in the police regulation of personal conduct offensive to the community, as well as such corporate methods as are prejudicial to the life, and health, and peace of the community; but it is yet to be demonstrated that there is any truly beneficial social reform that is prohibited or obstructed by the National Constitution. When that is demonstrated it will be time to consider how far, and in what manner, that obstruction should be removed. If it is a real demonstration, if it is of a nature to produce conviction after deliberate consideration, there is nothing in the aims and purposes of the National Association to prevent the adoption of such a reform. The attitude of the Association is that no diminution of the present constitutional guarantees should be permitted without deliberate and reasoned consideration, and that every change should be considered upon its own specific merits.

It is not sufficiently realized by the thinking public that there are at the present moment most radical changes in our system of government pressing for adoption, and that there is a strong movement in favor of rendering easier any future changes, regardless of their nature, by facilitating the process of amendment.

OVERLOADING THE CONSTITUTION

The Association regards it as a duty to point out the danger of reconstructing the Constitution in such a sense as to make it the embodiment of what at a particular moment might be considered a final ideal legislative code for the whole nation. The tendency toward such extremes has been strong in the case of some of our State constitutions. It is not assumed that the present National Constitution is an absolutely perfect instrument. It wisely made provision for its own amendment. If that provision had been less rigorous, it would no doubt have been frequently radically reconstructed, probably to its detriment, as a piece of organic legislation. The opportunity would have been afforded for a certain number of States to impose their will upon other States where public sentiment and local interests would have been profoundly affected. It is by no means certain that the Union could have endured this strain. Is it certain that it can endure it now? The permanence of our system depends very largely upon the renunciation of absolute power by the central authorities. It is founded on respect and consideration for local interests and susceptibilities. The American people never would have consented, and it is unlikely that they ever will freely consent, to a stringent central domination of their personal affairs. The overloading of the Constitution with arbitrary mandates which the nation as a whole did not approve, would weaken its authority as well as entirely change its character. Its strength and dignity lie in its simplicity and its firm guardianship of obvious and indisputable rights and liberties.

THE TRUE NATURE OF A FUNDAMENTAL LAW

One of the important functions of the Association is to point out and keep constantly before the attention of the people the essential difference between a fundamental law and mere statutory legislation. Legislative acts are intended to express the temporary will of the people, and the statutes adopted from time to time are of necessity more or less experimental. They are intended to meet the apparent

needs of the time and the jurisdiction for which they seem to be adopted. They express merely the present wishes of the majority, or of what seems to be a majority. Is there to be no law for legislative bodies? Are they to have a free hand to pass any law that may for the moment seem to the majority, or by certain influences be made to seem, desirable? Where, then, are the rights of minorities to find their protection? Or is it to be held that minorities have no rights?

It is here that the true nature of a fundamental law appears. It is primarily a law for legislators. It defines their scope and prerogatives, and limits the extent of their power. It declares what they may *not* do, because it intends that they shall not possess unlimited power. It declares that the individual man has certain inherent rights which legislatures are bound to respect. It is the guarantee, and the only solid guarantee, that these rights will be respected. It creates a broad channel through which legislation may safely flow, but it hems in its onward moving current with granite banks, in order to prevent the devastation of its overflow. It is the declaration of the deliberate and permanent decision of the people to the effect that their spasms, their emotions, their class interests, and their speculative theories shall not destroy their juristic security.

THE METHODS OF ACTION

It is the purpose of the National Association for Constitutional Government to see that these principles are properly understood and properly defended. It desires, therefore, to bring them constantly to the attention of the people of the United States for their consideration, and for such action as may from time to time seem appropriate. It desires to avoid every form of dogmatism, and invites the help of all who believe it has a useful work to accomplish to participate in its performance. It wishes to obtain the largest possible membership of patriotic men and women, and might serve a useful purpose in unifying and concentrating the activities of all the truly patriotic societies. It contemplates such publications, such meetings, such local centers, and such public lectures as its directing body may find expedient, and may receive the means to employ, as agencies for the promotion of its object, which is to inspire respect for the Constitution of the United States as the legal guarantee of the liberties of the American people. To this end it invites such aid and support as those of like

mind may be disposed to give it. Further information regarding it may be had of its Secretary, Charles Ray Dean, Washington, D. C., and dues for membership and voluntary contributions may be sent to its Treasurer, John Joy Edson, President of the Washington Loan and Trust Company.

DAVID JAYNE HILL.

THE CONSTITUTIONAL CONVENTION OF THE STATE OF NEW YORK.

ALBANY, 1915.

May 12, 1915.

MY DEAR COLONEL HOPKINS:

I have received your letter of May sixth and very cheerfully comply with your request. I approve very earnestly the purpose of the National Association for Constitutional Government under the guidance of the General Committee of which Mr. David Jayne Hill is chairman. The people of the United States have enjoyed constitutional freedom a long time without any conscious effort to maintain it, and many of us have forgotten, many of us have never learned, that it does not come and remain of itself. The principles of our Constitutions have passed without question so long that many of us have forgotten the reasons which underlie them and the necessity for maintaining them. Now, the principles are questioned. The assumptions of individual rights which underlie our system of government are denied and it is very important that the people of the country should address themselves to the study of their Constitutions and the reason for them. That ought to be done before changes are made which would be very difficult to reverse and which would result in giving us an entirely different kind of government. Your Association appears admirably adapted to bring about that kind of study and consideration, and it has my very best wishes.

With kind regards, I am,

Always faithfully yours,

(Signed) ELIHU ROOT.

COLONEL ARCHIBALD HOPKINS,
1826 Massachusetts Avenue, N. W.,
Washington, D. C.

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